



Doc H's Blog

Kentucky Education Commissioner
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Fixing a broken law

This blog is the third in a series about the reauthorization of the No Child Left Behind Act. My two previous blogs, [Let the games begin](#) and [Grappling with testing questions](#) provide additional background information.

This week, it was my honor to represent Kentucky and my fellow chief state school officers at a U.S. Senate Health, Education, Labor and Pension (HELP) committee meeting. I was one of five individuals to testify. The committee heard from a researcher, local superintendent, high school principal, a teacher and me. Each individual had five minutes to give prepared remarks. Readers may watch a [video](#) of the entire hearing – my testimony starts about 41 minutes in – or you may want to access a [written text](#) of my testimony.

I was very impressed with the level of preparation of each senator. The committee staff does a great job in organizing the hearings and providing senators with background information. I was also very pleased to see the senators focus a number of questions to the teacher and principal. We all need to do more listening to our teachers and principals.

The Senate hearing was the second in a series of hearings to gain feedback on what the components of a reauthorized NCLB should be. The first hearing focused on annual testing and this week's hearing focused on supporting teachers and leaders. Next week, the committee will have a roundtable with practitioners to discuss innovation.

As for my predictions on reauthorization based on movement in the House and Senate, I would say that the odds are 50/50 that we will see a reauthorized bill out of Congress before the end of the year. These odds are significantly higher than at any point since 2007. What are the potential stumbling blocks?

Annual testing and accountability seem to be the key issues that must be resolved. It appears there is growing support for continuing the annual testing required by NCLB (reading and math annually in grades 3-8 and once in each in high school; science once in elementary, middle and high school). This is a total of 17 federally required tests. Annual reporting and disaggregation of test results by NCLB subgroups also seems to have strong support.

The line in the sand will probably be drawn with the accountability component. States and districts have added significantly to the number of tests given and percentage of time dedicated to testing due to federal and state ranking/rating of schools and districts based on test scores and to meet the Race to the Top and NCLB waiver requirements that tie teacher evaluation to test score performance. Teachers focus much more on teaching to the test and assessing students more often due to their evaluations being tied to the tests.

My prediction on the accountability model is that reauthorization will provide general guidelines on accountability, however, the final accountability models will be developed by states. The United States

Department of Education (USED) will be prohibited from approving or disapproving a state-developed model for accountability unless the USED can provide significant research to support why the state model is not a valid model for accountability. This resolution on accountability will support the states that are working to create a more balanced model of accountability that focuses on the skills and outcomes that we need our students to achieve in order to be successful in postsecondary education and training, careers and as a contributing member of society.

My prediction on teacher evaluation models, required by Race to the Top and No Child Left Behind, is that these decisions will be left to states with flexibility to use federal funds to implement meaningful effectiveness systems that support teacher and leader professional growth which, in turn, impact growth in student learning. While the original intent of the NCLB waiver requirement for states to develop teacher and leader evaluation systems was a good idea, the implementation has led to micromanagement of states by USED. Also, there is scant evidence that states who have implemented the required plans have been able to provide any results that the new evaluation plans actually differentiate performance of teachers and/or impact student learning.

As I think back to the last reauthorization of the Elementary and Secondary Education Act (ESEA), I can recall the debates between Democrats and Republicans as NCLB was moving through Congress in 2001. Republicans were pushing for more state accountability. Democrats were agreeing with the accountability as long as results were disaggregated by subgroup so that the original intent of ESEA was met. It was interesting to me that in the hearing this week, the Republican senators were supporting the reauthorization language that would push accountability back to states with flexibility to merge funding streams. However, Sen. Warren (D – MA) was clear that federal dollars should not flow to states without accountability for how the funds were expended.

So how do the next few months look for reauthorization? The timeline for the Senate would be bill mark-up in February and hopefully floor debate in the spring with possible passage in the summer. The House timeline may be similar. A late summer or fall conference committee where the USED and President Obama would be heavily involved may be possible, with the potential for a bill signing by the end of the year.

Lots of moving pieces have to come together. Lots of potential pitfalls loom. However, I give it 50/50 odds because it is clear that both sides agree that the law is broken and must be fixed. It is also clear that educators and parents across the nation are disillusioned with the current testing and accountability requirements of NCLB and they are very vocal about the need for change. Stay tuned!

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